

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE CITY DIVISION
CIVIL CASE NO. 1:10cv203**

YVETT RUDOLPH,

Plaintiff,

vs.

BUNCOMBE COUNTY GOVERNMENT,

AMANDA STONE, MARTIN “MARTY”

PHILLIPS, and ANN LUNSFORD,

Defendants.

ORDER

THIS MATTER is before the Court on the Plaintiff’s Response in Opposition to Defendant’s Memorandum in Support of Motion for Summary Judgment with Memorandum in Support Thereof [Doc. 53].

On October 21, 2011, the Plaintiff, who appears *pro se*, was advised of the burden she bears in responding to the Defendant’s motion for summary judgment and she was also advised of the time within which to respond. [Doc. 50]. On November 7, 2011, the Plaintiff filed a seventy-six (76) page brief. [Doc. 53].

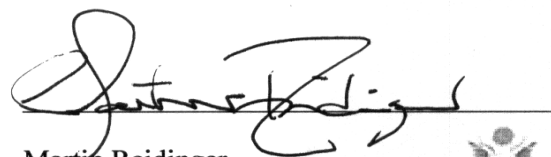
The Pre-Trial Order and Case Management Plan entered in this matter provides that no brief may exceed twenty-five pages in length. [Doc. 23 at 5]. Despite the Plaintiff’s *pro se* status, she must abide by the procedures prescribed by that Order. Plaintiff appears to have attempted to circumvent

this requirement by combining into one document what she intends as a brief in opposition to the Motion for Summary Judgment with her affidavit in opposition to the Motion. This is in accord with neither the letter nor the spirit of the Case Management Order. As a result, the brief will be stricken and the Plaintiff will be provided an opportunity to file a brief in response which complies with the Pre-Trial Order and Case Management Plan. It may be accompanied by an affidavit of the Plaintiff as may be necessary. The Plaintiff is admonished that the affidavit is not to be a means of supplementing her legal arguments in her brief.

IT IS, THEREFORE, ORDERED that the Plaintiff's Response in Opposition to Defendant's Memorandum in Support of Motion for Summary Judgment with Memorandum in Support Thereof [Doc. 53] is hereby **STRICKEN** from the record.

IT IS FURTHER ORDERED that on or before ten (10) business days from entry of this Order, the Plaintiff may file a brief in response to the Defendant's Motion for Summary Judgment which does not exceed twenty-five (25) pages in length. The brief must be double-spaced in fourteen (14) point type.

Signed: November 15, 2011


Martin Reidinger
United States District Judge

